1951

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File No. C Wakfs
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Legal Department
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Subject:— Opinions on the
Muslim Wakfs Act, 1913.

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C O N T E N T S.

Legal Department File No. 9.Wakf/51...

Sr.No.	D.O./U.O.	Subject	Pages.
		Lussalram Wakf Act, 1923.	
1.	19688 21-9-51.	1234 13-10-51.	Whether it would not be possible to take any action against Shri Ansarsaheb.....1-4.

Legal Department.
R.I.No.19658 dt.21-9-1961.

Shri Hifzurrahiman Ansarsaheb,Pleader,Sholapur,was nominated as a member by Government on 11-3-1950 on the Sholapur District Wakf Committee of which the present term of office will expire of 18-8-1953.Vide p.18 ante.

Under the provisions of section 6(b)of the Muselman Wakf (Bombay Amendment) Act,1935,Shri Hifzurrahiman Ansarsaheb, Pleader,Sholapur was appointed in 1938 to audit the accounts of some wakfs submitted by the Mutawallis .It is reported by the District Judge,Sholapur,that the auditor was not prompt in his work.He used to keep statements of accounts with him for several months without examining them.He would not improve in expediting the audit work of Wakf accounts in spite of several requests and warnings by the predecessor of the present District Judge, Sholapur.The account statements as many as nine wakf accounts had been lying with him requiring auditing for an unduly long time, and many reminders and requests had to be made for expediting their auditing,but the account statements relating to Wakf No.14 of 1931 relating to the years 1945-48 have been lost by him.The District Judge,Sholapur, in view of the irresponsible manner in which Shri Hifzurrahiman Ansarsaheb was acting has cancelled his appointment as an auditor.The Government agreeing with the recommendation of the District Judge,Sholapur confirmed in by the Collector of Sholapur,(vide p.7 ante) has cancelled his nomination on the Sholapur District Wakf Committee under Rule22(3) and has appointed under Rule 22(5) of the Bombay Muselman Wakf Rules Shri S.M.Shaikh,Asstt.Public Prosecutor Sholapur, in place of Shri Ansarsaheb.

The papers have been sent to the A.G.P. for advice whether it would not be possible to take any other action against Shri H. Ansarsaheb for the loss of the account statements relating to Wakf No.14 of 1931.These papers only disclose that Shri H. Ansarsaheb has been very careless,indifferent and irresponsible in the matter of auditing the account statements of various Wakfs as the reports of the District Judge and the Collector Sholapur

do not allege any malafides or ulterior motives on the part of ShriM.Ansarsaheb in losing or doing away with the account statements relating to Wakf No.14 of 1951.For this careless act his appointment as an Auditor and his nomination as a member of the District Wakf Committee have already been cancelled. Unless any further facts involving malafides and ulterior motives on the part of Shri H.Ansarsaheb in losing the account statements of Wakf No.14 of 1951 are proved ,no other action,it appears,can be taken legally against him.

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Legal Department.

It does not appear possible to take any legal action against Shri H. Ansarsahab.

Sd/-
Additional Secretary to Government

U.O. to R.T.No.16234.dated the 13th October 1951.

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